

JOURNAL OF THE HOUSE

EIGHTY-NINTH SESSION

TWENTY-SEVENTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Wednesday, February 26, 2014

The House convened at 2:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Dodie Noordermeer, followed by the Pledge of Allegiance led by House page Nicole Hamilton.

Roll Call: All members present except Reps. Feickert and Schaefer who were excused.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the twenty-sixth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Brian G. Gosch, Chair

Which motion prevailed.

COMMUNICATIONS AND PETITIONS

February 25, 2014

Mr. Speaker and Members of the House of Representatives:

I have the honor to inform you that on February 25, 2014, I approved House Bills 1056, 1059, 1060, 1084, and 1092, and the same have been deposited in the office of the Secretary of State.

Respectfully submitted,
Dennis Daugaard
Governor

DISSENT AND PROTEST PASSAGE OF HB 1203

Pursuant to Joint Rule 1-10, we, the undersigned Representatives, do hereby respectfully dissent and protest the passage of HB 1203, "An Act to improve the financial practices of the State of South Dakota." The body of HB 1203 simply states: "The financial practices of the State of South Dakota are hereby improved." The bill as it passed the House of Representatives has no substantive effect except that it circumvents Chapter 17 of the Joint Rules relating to the deadline for the introduction of bills and House Rule 4-1 and Joint Rule 11-1 relating to the suspension of rules, which would have allowed the introduction of a bill after the deadline. Consideration and passage of the bill in this form relinquishes the legislative power and authority of the House of Representatives and cedes such power and authority to the Senate and deprives the people an opportunity to address the actual intent of the bill in a House committee hearing. In addition, Article III, Section 21 of the South Dakota Constitution states: "No law shall embrace more than one subject, which shall be expressed in its title." Since the intended effect of HB 1203 is not clearly stated and is unknown, the title does not accurately express the purpose or effect of the bill. We believe that the passage of HB 1203 does not meet the requirements of Article III, Section 21 of the South Dakota Constitution and contradicts the substantive provisions of House Rule 4-1, Joint Rule 11-1, and Chapter 17 of the Joint Rules. For these reasons we believe that the passage of the bill is in contravention of South Dakota's Constitution, is injurious to the rights of the people of South Dakota, and is therefore null and void. We respectfully request that this dissent be printed in the House Journal as required by Joint Rule 1-10.

Respectfully submitted,
Dan Kaiser
Lance S. Russell

Respectfully submitted,
Stace Nelson

DISSENT AND PROTEST PASSAGE OF HB 1145

Pursuant to Joint Rule 1-10, we, the undersigned Representatives, do hereby respectfully dissent and protest the passage of HB 1145, "An Act to accommodate legislation on medical services." The body of HB 1145 simply states: "In case a title affecting medical services or the

1 ordinary operating expenses of South Dakota is needed to accommodate the legislative process,
2 this bill is being introduced to accomplish that purpose." The bill as it passed the House of
3 Representatives has no substantive effect except that it circumvents Chapter 17 of the Joint
4 Rules relating to the deadline for the introduction of bills and House Rule 4-1 and Joint
5 Rule 11-1 relating to the suspension of rules, which would have allowed the introduction of a
6 bill after the deadline. Consideration and passage of the bill in this form relinquishes the
7 legislative power and authority of the House of Representatives and cedes such power and
8 authority to the Senate and deprives the people an opportunity to address the actual intent of the
9 bill in a House committee hearing. In addition, Article III, Section 21 of the South Dakota
10 Constitution states: "No law shall embrace more than one subject, which shall be expressed in
11 its title." Since the intended effect of HB 1145 is not clearly stated and is unknown, the title
12 does not accurately express the purpose or effect of the bill. We believe that the passage of
13 HB 1145 does not meet the requirements of Article III, Section 21 of the South Dakota
14 Constitution and contradicts the substantive provisions of House Rule 4-1, Joint Rule 11-1, and
15 Chapter 17 of the Joint Rules. For these reasons we believe that the passage of the bill is in
16 contravention of South Dakota's Constitution, is injurious to the rights of the people of South
17 Dakota, and is therefore null and void. We respectfully request that this dissent be printed in the
18 House Journal as required by Joint Rule 1-10.

19 Respectfully submitted,
20 Dan Kaiser
21 Lance S. Russell

Respectfully submitted,
Stace Nelson

22 **REPORTS OF STANDING COMMITTEES**

23 MR. SPEAKER:

24 The Committee on Education respectfully reports that it has had under consideration
25 SB 182 and returns the same with the recommendation that said bill do pass.

26 Respectfully submitted,
27 Jacqueline Sly, Chair

28 Also MR. SPEAKER:

29 The Committee on State Affairs respectfully reports that it has had under consideration
30 SB 51 and 98 and returns the same with the recommendation that said bills do pass.

31 Also MR. SPEAKER:

32 The Committee on State Affairs respectfully reports that it has had under consideration
33 SB 151 and returns the same with the recommendation that said bill do pass and be placed on
34 the consent calendar.

1 Also MR. SPEAKER:

2 The Committee on State Affairs respectfully reports that it has had under consideration
3 SB 154 and returns the same with the recommendation that said bill be amended as follows:

4 154oa

5 On page 2, line 23, of the printed bill, delete everything after "appointment." .

6 On page 2, delete line 24.

7 154ob

8 On page 2, line 22, of the printed bill, after "2015" insert ", which shall be the end date for
9 the task force".

10 And that as so amended said bill do pass.

11 Respectfully submitted,
12 David Lust, Chair

13 Also MR. SPEAKER:

14 The Committee on Appropriations respectfully reports that it has had under consideration
15 SB 15, 16, 17, 18, 19, and 20 and returns the same with the recommendation that said bills do
16 pass.

17 Respectfully submitted,
18 Fred W. Romkema, Chair

19 Also MR. SPEAKER:

20 The Committee on Commerce and Energy respectfully reports that it has had under
21 consideration SB 45, 47, and 48 and returns the same with the recommendation that said bills
22 do pass.

23 Also MR. SPEAKER:

24 The Committee on Commerce and Energy respectfully reports that it has had under
25 consideration SB 49 and 115 and returns the same with the recommendation that said bills do
26 pass and be placed on the consent calendar.

27 Respectfully submitted,
28 Roger D. Solum, Chair

1 Also MR. SPEAKER:

2 The Committee on Judiciary respectfully reports that it has had under consideration SB 4,
3 74, and 76 and returns the same with the recommendation that said bills do pass.

4 Also MR. SPEAKER:

5 The Committee on Judiciary respectfully reports that it has had under consideration SB 5,
6 70, and 71 and returns the same with the recommendation that said bills do pass and be placed
7 on the consent calendar.

8 Also MR. SPEAKER:

9 The Committee on Judiciary respectfully reports that it has had under consideration SB 24
10 and returns the same with the recommendation that said bill be referred to the Committee on
11 Health and Human Services.

12 Also MR. SPEAKER:

13 The Committee on Judiciary respectfully reports that it has had under consideration SB 21
14 and returns the same with the recommendation that said bill be referred to the Committee on
15 Local Government.

16 Also MR. SPEAKER:

17 The Committee on Judiciary respectfully reports that it has had under consideration SB 22
18 and returns the same with the recommendation that said bill be referred to the Committee on
19 Agriculture and Natural Resources.

20 Respectfully submitted,
21 Brian G. Gosch, Chair

22 **MESSAGES FROM THE SENATE**

23 MR. SPEAKER:

24 I have the honor to return herewith HB 1042, 1051, 1090, and 1157 which have passed the
25 Senate without change.

1 Also MR. SPEAKER:

2 I have the honor to transmit herewith SB 28, 36, 44, 53, 108, 122, 135, 137, 141, 145, 157,
3 158, 176, 177, 181, and 184 which have passed the Senate and your favorable consideration is
4 respectfully requested.

5 Respectfully,
6 Jeannette Schipper, Secretary

7 **MOTIONS AND RESOLUTIONS**

8 HCR 1025: A CONCURRENT RESOLUTION, Reaffirming the value of South Dakota's
9 groundwater resources and recognizing the need for ongoing evaluation of our groundwater
10 management.

11 Rep. Heinert moved that HCR 1025 as found on page 523 of the House Journal be adopted.

12 The question being on Rep. Heinert's motion that HCR 1025 be adopted.

13 And the roll being called:

14 Yeas 36, Nays 30, Excused 4, Absent 0

15 Yeas:

16 Anderson; Bartling; Conzet; Craig; Ecklund; Feinstein; Gibson; Hawks; Hawley; Heinemann
17 (Leslie); Heinert; Hickey; Hunhoff (Bernie); Killer; Kopp; Lust; May; Mickelson; Munsterman;
18 Nelson; Parsley; Peterson; Rasmussen; Ring; Schoenfish; Schrempp; Sly; Soli; Stalzer; Steele;
19 Stevens; Tulson; Tyler; Westra; Wink; Wismer

20 Nays:

21 Bolin; Cammack; Campbell; Cronin; Dryden; Duvall; Erickson; Greenfield; Haggar (Don);
22 Haggar (Jenna); Hajek; Hoffman; Johns; Kaiser; Kirschman; Langer; Latterell; Magstadt;
23 Novstrup (David); Olson (Betty); Otten (Herman); Qualm; Rounds; Rozum; Russell; Solum;
24 Verchio; Werner; Wick; Speaker Gosch

25 Excused:

26 Carson; Feickert; Romkema; Schaefer

27 So the motion having received an affirmative vote of a majority of the members-elect, the
28 Speaker declared the motion carried and HCR 1025 was adopted.

29 HCR 1026: A CONCURRENT RESOLUTION, Urging restoration of funding to the
30 railroad trust fund.

31 Rep. Bolin moved that HCR 1026 as found on page 524 of the House Journal be adopted.

1 The question being on Rep. Bolin's motion that HCR 1026 be adopted.

2 And the roll being called:

3 Yeas 49, Nays 15, Excused 6, Absent 0

4 Yeas:

5 Anderson; Bartling; Bolin; Campbell; Conzet; Craig; Dryden; Duvall; Ecklund; Erickson;
6 Feinstein; Greenfield; Haggar (Don); Haggar (Jenna); Hajek; Hawks; Heinemann (Leslie);
7 Hickey; Hunhoff (Bernie); Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Magstadt; May;
8 Mickelson; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Qualm;
9 Rasmussen; Rounds; Russell; Schoenfish; Schrempp; Solum; Stalzer; Steele; Tulson; Tyler;
10 Verchio; Werner; Wick; Wink; Speaker Gosch

11 Nays:

12 Cammack; Cronin; Gibson; Hoffman; Johns; Lust; Parsley; Peterson; Ring; Rozum; Sly; Soli;
13 Stevens; Westra; Wismer

14 Excused:

15 Carson; Feickert; Hawley; Heinert; Romkema; Schaefer

16 So the motion having received an affirmative vote of a majority of the members-elect, the
17 Speaker declared the motion carried and HCR 1026 was adopted.

18 HCR 1027: A CONCURRENT RESOLUTION, Commending, honoring, and thanking
19 former Congressman Dr. Ron Paul.

20 Rep. Nelson moved that HCR 1027 as found on page 524 of the House Journal be adopted.

21 c1027ja

22 Rep. Rounds moved as a substitute motion that HCR 1027 be amended as follows:

23 On the printed resolution, delete everything after the first WHEREAS clause and insert:

24 "The honorable Congressmen and Congresswomen served our state and country with dignity
25 and integrity; and

26 WHEREAS, Congressmen James Abdnor, James Abourezk, E.Y. Berry, Joseph H. Bottum,
27 William J. Bulow, Charles H. Burke, Harlan J. Bushfield, Vera C. Bushfield, Francis Case,
28 Charles A. Christopherson, Coe I. Crawford, Tom Daschle, Frank E. Denholm, Charles H.
29 Dillon, John Rankin Gamble, Robert J. Gamble, Harry L. Gandy, Oscar S. Gifford, J. Chandler
30 Chan Gurney, Philo Hall, Fred H. Hildebrandt, Herbert E. Hitchcock, Bill Janklow, Edwin S.
31 Johnson, Royal C. Johnson, Tim Johnson, John L. Jolley, John Edward Kelley, Alfred B.
32 Kittredge, Freeman T. Knowles, James H. Kyle, Harold O. Lovre, William V. Lucas, Eben W.
33 Martin, George McGovern, William H. McMaster, Gideon C. Moody, Karl E. Mundt, Peter

Norbeck, William H. Parker, Richard F. Pettigrew, John A. Pickler, Larry Pressler, Gladys Pyle, Ben Reifel, Clint Roberts, Thomas Sterling, John R. Thune, Theodore B. Werner, and William Williamson; and Congresswomen Stephanie Herseth Sandlin and Kristi Noem inspired countless South Dakotans in their efforts to keep America safe and make our country the greatest country in the world; and

WHEREAS, South Dakotans greatly appreciate the sacrifice, dedication, and service of all our past and present Congressmen and Congresswomen who have done so much for the State of South Dakota:

NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Eighty-ninth Legislature of the State of South Dakota, the Senate concurring therein, that these honorable past and present Congressmen and Congresswomen are commended, honored, and thanked for their service to our state and our great nation."

A roll call vote was requested and not supported.

Rep. Rounds' motion prevailed.

The question being on the motion that HCR 1027 be adopted as amended.

And the roll being called:

Yeas 48, Nays 16, Excused 6, Absent 0

Yeas:

Anderson; Bartling; Cammack; Conzet; Cronin; Dryden; Duvall; Erickson; Feinstein; Greenfield; Haggar (Don); Haggar (Jenna); Hajek; Hawks; Heinert; Hickey; Hunhoff (Bernie); Johns; Killer; Kirschman; Langer; Lust; May; Mickelson; Munsterman; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm; Ring; Rounds; Russell; Schoenfish; Schrempp; Sly; Soli; Solum; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Speaker Gosch

Nays:

Bolin; Campbell; Craig; Ecklund; Heinemann (Leslie); Hoffman; Kaiser; Kopp; Latterell; Magstadt; Nelson; Rasmussen; Rozum; Stalzer; Steele; Wismer

Excused:

Carson; Feickert; Gibson; Hawley; Romkema; Schaefer

So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion carried and HCR 1027 was adopted as amended.

1 The question being on the title.

2 C1027jta

3 Rep. Rounds moved that the title to HCR 1027 be amended as follows:

4 On page 1, line 1, of the printed resolution, delete everything after "thanking" and insert
5 "each of the current and former Congressmen and Congresswomen who have served South
6 Dakota."

7 On page 1, delete line 2.

8 Which motion prevailed and the title was so amended.

9 HCR 1028: A CONCURRENT RESOLUTION, Urging Congress to repeal and defund
10 Obamacare.

11 Rep. Nelson moved that HCR 1028 as found on page 525 of the House Journal be adopted.

12 The question being on Rep. Nelson's motion that HCR 1028 be adopted.

13 And the roll being called:

14 Yeas 36, Nays 28, Excused 6, Absent 0

15 Yeas:

16 Anderson; Bolin; Cammack; Campbell; Conzet; Craig; Cronin; Greenfield; Haggar (Don);
17 Haggar (Jenna); Hickey; Kaiser; Kopp; Langer; Latterell; Lust; Mickelson; Munsterman;
18 Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Qualm; Rounds; Russell;
19 Schoenfish; Solum; Stalzer; Steele; Tulson; Verchio; Werner; Westra; Wick; Wink; Speaker
20 Gosch

21 Nays:

22 Bartling; Dryden; Duvall; Ecklund; Erickson; Feinstein; Hajek; Hawks; Heinemann (Leslie);
23 Heinert; Hoffman; Hunhoff (Bernie); Johns; Killer; Kirschman; Magstadt; May; Parsley;
24 Peterson; Rasmussen; Ring; Rozum; Schrempp; Sly; Soli; Stevens; Tyler; Wismer

25 Excused:

26 Carson; Feickert; Gibson; Hawley; Romkema; Schaefer

27 So the motion having received an affirmative vote of a majority of the members-elect, the
28 Speaker declared the motion carried and HCR 1028 was adopted.

HCR 1029: A CONCURRENT RESOLUTION, Honoring World Champion Saddle Bronc Champion Chad Ferley of Oelrichs, South Dakota.

Rep. Heinert moved that HCR 1029 as found on page 528 of the House Journal be adopted.

The question being on Rep. Heinert's motion that HCR 1029 be adopted.

And the roll being called:

Yeas 64, Nays 0, Excused 6, Absent 0

Yeas:

Anderson; Bartling; Bolin; Cammack; Campbell; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund; Erickson; Feinstein; Greenfield; Haggar (Don); Haggar (Jenna); Hajek; Hawks; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May; Mickelson; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring; Rounds; Rozum; Russell; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

Excused:

Carson; Feickert; Gibson; Hawley; Romkema; Schaefer

So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion carried and HCR 1029 was adopted.

HCR 1030: A CONCURRENT RESOLUTION, Honoring National Finals Rodeo Barrel Racing Champion Lisa Lockhart of Oelrichs, South Dakota.

Rep. Heinert moved that HCR 1030 as found on page 529 of the House Journal be adopted.

The question being on Rep. Heinert's motion that HCR 1030 be adopted.

And the roll being called:

Yeas 64, Nays 0, Excused 6, Absent 0

Yeas:

Anderson; Bartling; Bolin; Cammack; Campbell; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund; Erickson; Feinstein; Greenfield; Haggar (Don); Haggar (Jenna); Hajek; Hawks; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May; Mickelson; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring; Rounds; Rozum; Russell; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

1 Excused:
2 Carson; Feickert; Gibson; Hawley; Romkema; Schaefer

3 So the motion having received an affirmative vote of a majority of the members-elect, the
4 Speaker declared the motion carried and HCR 1030 was adopted.

5 HCR 1031: A CONCURRENT RESOLUTION, Urging Congress to provide federal
6 funding in lieu of property taxes on Indian trust lands.

7 Rep. May moved that HCR 1031 as found on page 529 of the House Journal be adopted.

8 The question being on Rep. May's motion that HCR 1031 be adopted.

9 And the roll being called:

10 Yeas 61, Nays 2, Excused 7, Absent 0

11 Yeas:
12 Anderson; Bartling; Bolin; Cammack; Campbell; Conzet; Craig; Dryden; Duvall; Ecklund;
13 Erickson; Feinstein; Greenfield; Haggar (Don); Haggar (Jenna); Hajek; Hawks; Heinemann
14 (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp;
15 Langer; Latterell; Lust; May; Mickelson; Munsterman; Nelson; Novstrup (David); Olson
16 (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring; Rounds; Russell;
17 Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio;
18 Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

19 Nays:
20 Magstadt; Rozum

21 Excused:
22 Carson; Cronin; Feickert; Gibson; Hawley; Romkema; Schaefer

23 So the motion having received an affirmative vote of a majority of the members-elect, the
24 Speaker declared the motion carried and HCR 1031 was adopted.

25 HCR 1032: A CONCURRENT RESOLUTION, Expressing support for the people of the
26 Red Shirt community on the Pine Ridge Reservation.

27 Rep. May moved that HCR 1032 as found on page 531 of the House Journal be adopted.

28 The question being on Rep. May's motion that HCR 1032 be adopted.

29 And the roll being called:

30 Yeas 61, Nays 2, Excused 7, Absent 0

1 Yeas:

2 Anderson; Bartling; Bolin; Cammack; Campbell; Conzet; Craig; Dryden; Duvall; Ecklund;
3 Erickson; Feinstein; Greenfield; Haggar (Don); Haggar (Jenna); Hajek; Hawks; Heinemann
4 (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Kaiser; Kirschman; Kopp;
5 Langer; Latterell; Lust; Magstadt; May; Mickelson; Munsterman; Nelson; Novstrup (David);
6 Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring; Rounds; Rozum;
7 Russell; Schoenfish; Schrempp; Sly; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio;
8 Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

9 Nays:

10 Killer; Soli

11 Excused:

12 Carson; Cronin; Feickert; Gibson; Hawley; Romkema; Schaefer

13 So the motion having received an affirmative vote of a majority of the members-elect, the
14 Speaker declared the motion carried and HCR 1032 was adopted.

15 Rep. Lust moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on
16 Thursday, February 27, the 28th legislative day.

17 Which motion prevailed.

18 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

19 SB 28: FOR AN ACT ENTITLED, An Act to make an appropriation for certain costs
20 related to mountain pine beetle suppression and to declare an emergency.

21 Was read the first time and referred to the Committee on Appropriations.

22 SB 36: FOR AN ACT ENTITLED, An Act to transfer the functions of the South Dakota
23 Railroad Authority to the South Dakota Railroad Board.

24 Was read the first time and referred to the Committee on Transportation.

25 SB 44: FOR AN ACT ENTITLED, An Act to create a provider revolving loan fund for
26 skilled nursing facilities in the Department of Social Services, to make an appropriation
27 therefor, and to declare an emergency.

28 Was read the first time and referred to the Committee on Appropriations.

1 SB 53: FOR AN ACT ENTITLED, An Act to make an appropriation to fund the New
2 South Dakotans and Dakota Roots programs and to declare an emergency.

3 Was read the first time and referred to the Committee on Appropriations.

4 SB 108: FOR AN ACT ENTITLED, An Act to accommodate legislation on medical
5 services.

6 Was read the first time and referred to the Committee on State Affairs.

7 SB 122: FOR AN ACT ENTITLED, An Act to provide for certain insurance coverage for
8 the treatment of hearing impairments for persons under the age of nineteen.

9 Was read the first time and referred to the Committee on Health and Human Services.

10 SB 135: FOR AN ACT ENTITLED, An Act to make an appropriation for costs related to
11 the suppression of mountain beetles through the all lands mountain pine beetle suppression
12 program.

13 Was read the first time and referred to the Committee on Appropriations.

14 SB 137: FOR AN ACT ENTITLED, An Act to make an appropriation to rehabilitate
15 certain state-owned rail lines and to declare an emergency.

16 Was read the first time and referred to the Committee on Appropriations.

17 SB 141: FOR AN ACT ENTITLED, An Act to make an appropriation to fund certain
18 scholarship programs and to declare an emergency.

19 Was read the first time and referred to the Committee on Appropriations.

20 SB 145: FOR AN ACT ENTITLED, An Act to encourage schools to provide instruction
21 in cardiopulmonary resuscitation.

22 Was read the first time and referred to the Committee on Education.

23 SB 157: FOR AN ACT ENTITLED, An Act to make an appropriation to the building
24 South Dakota fund and to declare an emergency.

25 Was read the first time and referred to the Committee on State Affairs.

1 SB 158: FOR AN ACT ENTITLED, An Act to revise certain funding provisions of the
2 building South Dakota fund.

3 Was read the first time and referred to the Committee on State Affairs.

4 SB 176: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the
5 tax relief fund.

6 Was read the first time and referred to the Committee on Taxation.

7 SB 177: FOR AN ACT ENTITLED, An Act to make an appropriation to provide
8 contingency funds to be made available for unanticipated costs related to inmate health care and
9 health insurance for state employees, and to declare an emergency.

10 Was read the first time and referred to the Committee on Appropriations.

11 SB 181: FOR AN ACT ENTITLED, An Act to define vapor products as tobacco products
12 for the purpose of regulating the use of the products by minors and to place certain restrictions
13 on the sale of vapor products.

14 Was read the first time and referred to the Committee on Health and Human Services.

15 SB 184: FOR AN ACT ENTITLED, An Act to make an appropriation to support the South
16 Dakota Hall of Fame and to declare an emergency.

17 Was read the first time and referred to the Committee on Appropriations.

18 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

19 SB 12: FOR AN ACT ENTITLED, An Act to update references to certain federal motor
20 carrier regulations.

21 Was read the second time.

22 The question being "Shall SB 12 pass?"

23 And the roll being called:

24 Yeas 65, Nays 0, Excused 5, Absent 0

1 Yeas:

2 Anderson; Bartling; Bolin; Cammack; Campbell; Conzet; Craig; Cronin; Dryden; Duvall;
3 Ecklund; Erickson; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna); Hajek;
4 Hawks; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Kaiser;
5 Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May; Mickelson; Munsterman;
6 Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm;
7 Rasmussen; Ring; Rounds; Rozum; Russell; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer;
8 Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

9 Excused:

10 Carson; Feickert; Hawley; Romkema; Schaefer

11 So the bill having received an affirmative vote of a majority of the members-elect, the
12 Speaker declared the bill passed and the title was agreed to.

13 SB 64: FOR AN ACT ENTITLED, An Act to require a waiting period prior to the adoption
14 of new uniform content standards and to provide for an opportunity for public comment for all
15 new content standards.

16 Was read the second time.

17 The question being "Shall SB 64 pass?"

18 And the roll being called:

19 Yeas 63, Nays 3, Excused 4, Absent 0

20 Yeas:

21 Anderson; Bartling; Bolin; Cammack; Campbell; Conzet; Craig; Cronin; Dryden; Duvall;
22 Ecklund; Erickson; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna); Hajek;
23 Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns;
24 Kaiser; Killer; Kopp; Langer; Latterell; Lust; Magstadt; May; Mickelson; Munsterman; Nelson;
25 Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen;
26 Rounds; Russell; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson;
27 Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

28 Nays:

29 Kirschman; Ring; Rozum

30 Excused:

31 Carson; Feickert; Romkema; Schaefer

32 So the bill having received an affirmative vote of a majority of the members-elect, the
33 Speaker declared the bill passed and the title was agreed to.

SB 55: FOR AN ACT ENTITLED, An Act to repeal the contractor's excise tax on certain new or expanded power production facilities.

Was read the second time.

The question being "Shall SB 55 pass?"

And the roll being called:

Yeas 66, Nays 0, Excused 4, Absent 0

Yeas:

Anderson; Bartling; Bolin; Cammack; Campbell; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund; Erickson; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May; Mickelson; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring; Rounds; Rozum; Russell; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

Excused:

Carson; Feickert; Romkema; Schaefer

So the bill having received an affirmative vote of a majority of the members-elect, the Speaker declared the bill passed and the title was agreed to.

SB 14: FOR AN ACT ENTITLED, An Act to revise certain provisions pertaining to the Board of Examiners of Counselors and Marriage and Family Therapists.

Was read the second time.

The question being "Shall SB 14 pass?"

And the roll being called:

Yeas 65, Nays 1, Excused 4, Absent 0

Yeas:

Anderson; Bartling; Bolin; Cammack; Campbell; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund; Erickson; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hoffman; Hunhoff (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May; Mickelson; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring; Rounds; Rozum; Russell; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

1 Nays:

2 Hickey

3 Excused:

4 Carson; Feickert; Romkema; Schaefer

5 So the bill having received an affirmative vote of a majority of the members-elect, the
6 Speaker declared the bill passed and the title was agreed to.

7 SB 89: FOR AN ACT ENTITLED, An Act to repeal certain outdated and obsolete
8 provisions regarding the medical department of the National Guard.

9 Was read the second time.

10 The question being "Shall SB 89 pass?"

11 And the roll being called:

12 Yeas 68, Nays 0, Excused 2, Absent 0

13 Yeas:

14 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;
15 Duvall; Ecklund; Erickson; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna);
16 Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie);
17 Johns; Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May; Mickelson;
18 Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson;
19 Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schoenfish; Schrempp; Sly;
20 Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink;
21 Wismer; Speaker Gosch

22 Excused:

23 Feickert; Schaefer

24 So the bill having received an affirmative vote of a majority of the members-elect, the
25 Speaker declared the bill passed and the title was agreed to.

26 SB 93: FOR AN ACT ENTITLED, An Act to define liquid natural gas, to revise certain
27 provisions regarding the collection of the motor fuel tax, and to apply motor fuel tax to all fuels
28 used to propel a motor vehicle.

29 Was read the second time.

30 The question being "Shall SB 93 pass?"

31 And the roll being called:

1 Yeas 57, Nays 11, Excused 2, Absent 0

2 Yeas:

3 Anderson; Bartling; Bolin; Cammack; Carson; Conzet; Craig; Cronin; Dryden; Duvall;
4 Erickson; Feinstein; Gibson; Haggar (Don); Haggar (Jenna); Hajek; Hawks; Hawley;
5 Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Killer; Kirschman;
6 Kopp; Langer; Lust; Magstadt; Mickelson; Munsterman; Novstrup (David); Otten (Herman);
7 Parsley; Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Schoenfish; Sly; Soli;
8 Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer

9 Nays:

10 Campbell; Ecklund; Greenfield; Kaiser; Latterell; May; Nelson; Olson (Betty); Russell;
11 Schrempp; Speaker Gosch

12 Excused:

13 Feickert; Schaefer

14 So the bill having received an affirmative vote of a majority of the members-elect, the
15 Speaker declared the bill passed and the title was agreed to.

16 SB 103: FOR AN ACT ENTITLED, An Act to establish certain civil penalties for
17 tampering or removing any highway marker, sign, or control device and to distribute the revenue
18 from such civil penalties.

19 Was read the second time.

20 The question being "Shall SB 103 pass as amended?"

21 And the roll being called:

22 Yeas 64, Nays 4, Excused 2, Absent 0

23 Yeas:

24 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;
25 Duvall; Ecklund; Erickson; Feinstein; Gibson; Haggar (Don); Haggar (Jenna); Hajek; Hawks;
26 Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Killer;
27 Kirschman; Kopp; Langer; Lust; Magstadt; May; Mickelson; Munsterman; Nelson; Novstrup
28 (David); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds;
29 Rozum; Russell; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson;
30 Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

31 Nays:

32 Greenfield; Kaiser; Latterell; Olson (Betty)

33 Excused:

34 Feickert; Schaefer

So the bill having received an affirmative vote of a two-thirds majority of the members-elect, the Speaker declared the bill passed and the title was agreed to.

SB 29: FOR AN ACT ENTITLED, An Act to revise certain provisions in statute and administrative rules regarding the regulation of campgrounds and the license fee for campgrounds and to repeal administrative rules regulating primitive campgrounds, full-service campgrounds, limited service campgrounds, and temporary campgrounds.

Was read the second time.

The question being "Shall SB 29 pass as amended?"

And the roll being called:

Yeas 63, Nays 5, Excused 2, Absent 0

Yeas:

Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund; Erickson; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Killer; Kirschman; Langer; Lust; Magstadt; May; Mickelson; Munsterman; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

Nays:

Kaiser; Kopp; Latterell; Nelson; Russell

Excused:

Feickert; Schaefer

So the bill having received an affirmative vote of a majority of the members-elect, the Speaker declared the bill passed and the title was agreed to.

SB 54: FOR AN ACT ENTITLED, An Act to revise the definition of a boat dealer, used vehicle dealer, and dealer of mobile homes or manufactured homes, and to revise certain penalties for selling motor vehicles, snowmobiles, mobile homes, manufactured homes, or boats without a license.

Was read the second time.

The question being "Shall SB 54 pass as amended?"

And the roll being called:

Yeas 66, Nays 2, Excused 2, Absent 0

1 Yeas:

2 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;
3 Duvall; Ecklund; Erickson; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna);
4 Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie);
5 Johns; Killer; Kirschman; Kopp; Langer; Lust; Magstadt; May; Mickelson; Munsterman;
6 Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm;
7 Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schoenfish; Schrempp; Sly; Soli;
8 Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer;
9 Speaker Gosch

10 Nays:

11 Kaiser; Latterell

12 Excused:

13 Feickert; Schaefer

14 So the bill having received an affirmative vote of a majority of the members-elect, the
15 Speaker declared the bill passed and the title was agreed to.

16 SB 59: FOR AN ACT ENTITLED, An Act to increase the penalty for the trafficking of
17 vehicle license plates and decals, to prohibit and provide a penalty for the unauthorized transfer
18 of a vehicle license plate or decal, and to impose a penalty for altering or forging certain vehicle
19 registration cards.

20 Was read the second time.

21 The question being "Shall SB 59 pass?"

22 And the roll being called:

23 Yeas 67, Nays 1, Excused 2, Absent 0

24 Yeas:

25 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;
26 Duvall; Ecklund; Erickson; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna);
27 Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie);
28 Johns; Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May; Mickelson;
29 Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson;
30 Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Schoenfish; Schrempp; Sly; Soli;
31 Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer;
32 Speaker Gosch

33 Nays:

34 Russell

35 Excused:

36 Feickert; Schaefer

1 So the bill having received an affirmative vote of a majority of the members-elect, the
2 Speaker declared the bill passed and the title was agreed to.

3 SB 91: FOR AN ACT ENTITLED, An Act to revise certain licensure definitions and
4 provide certain regulatory powers to municipalities.

5 Was read the second time.

6 The question being "Shall SB 91 pass?"

7 And the roll being called:

8 Yeas 64, Nays 4, Excused 2, Absent 0

9 Yeas:

10 Anderson; Bartling; Bolin; Cammack; Carson; Conzet; Craig; Cronin; Dryden; Duvall;
11 Ecklund; Erickson; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna); Hajek;
12 Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns;
13 Killer; Kirschman; Langer; Latterell; Lust; Magstadt; May; Mickelson; Munsterman; Nelson;
14 Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring;
15 Romkema; Rounds; Russell; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens;
16 Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

17 Nays:

18 Campbell; Kaiser; Kopp; Rozum

19 Excused:

20 Feickert; Schaefer

21 So the bill having received an affirmative vote of a majority of the members-elect, the
22 Speaker declared the bill passed and the title was agreed to.

23 SB 100: FOR AN ACT ENTITLED, An Act to provide for the filling of a vacancy if no
24 person is elected to succeed an elected official in municipalities.

25 Was read the second time.

26 The question being "Shall SB 100 pass?"

27 And the roll being called:

28 Yeas 68, Nays 0, Excused 2, Absent 0

1 Yeas:

2 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;
3 Duvall; Ecklund; Erickson; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna);
4 Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie);
5 Johns; Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May; Mickelson;
6 Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson;
7 Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schoenfish; Schrempp; Sly;
8 Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink;
9 Wismer; Speaker Gosch

10 Excused:

11 Feickert; Schaefer

12 So the bill having received an affirmative vote of a majority of the members-elect, the
13 Speaker declared the bill passed and the title was agreed to.

14 Rep. Lust moved that SB 27, 31, 32, and 63 be deferred to Thursday, February 27, the
15 28th legislative day.

16 Which motion prevailed.

17 There being no objection, the House reverted to Order of Business No. 7.

18 **MESSAGES FROM THE SENATE**

19 MR. SPEAKER:

20 I have the honor to inform your honorable body that HB 1068 was lost on second reading
21 and final passage.

22 Respectfully,
23 Jeannette Schipper, Secretary

24 There being no objection, the House reverted to Order of Business No. 5.

1 **REPORTS OF STANDING COMMITTEES**

2 MR. SPEAKER:

3 The Committee on Legislative Procedure respectfully reports that HB 1021, 1031, 1052,
4 1082, 1107, 1130, and 1131 were delivered to his Excellency, the Governor, for his approval
5 at 9:10 a.m., February 26, 2014.

6 Also MR. SPEAKER:

7 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing
8 and Enrolling has carefully compared HB 1042, 1051, 1090, and 1157 and finds the same
9 correctly enrolled.

10 Respectfully submitted,
11 Brian G. Gosch, Chair

12 **SIGNING OF BILLS**

13 The Speaker publicly read the title to

14 HB 1042: FOR AN ACT ENTITLED, An Act to revise the penalty for late payment of the
15 additional original registration tax on aircraft.

16 HB 1051: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
17 regulation of captive insurance companies.

18 HB 1090: FOR AN ACT ENTITLED, An Act to repeal certain outdated and obsolete
19 provisions regarding county highways.

20 HB 1157: FOR AN ACT ENTITLED, An Act to provide for the retrospective payment of
21 clean claims for covered services provided by a health care professional during the credentialing
22 period.

23 SB 50: FOR AN ACT ENTITLED, An Act to authorize rule-making authority to establish
24 record-keeping requirements for insurers and producers.

25 SB 52: FOR AN ACT ENTITLED, An Act to authorize the informal settlement of
26 insurance examinations.

27 And signed the same in the presence of the House.

1 Rep. Westra moved that the House do now adjourn, which motion prevailed and at
2 4:19 p.m. the House adjourned.

3 Arlene Kvislen, Chief Clerk